

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RAMON RODARTE-MENDOZA,

Plaintiff,

v.

UNITED STATES OF AMERICA,
FEDERAL BUREAU OF PRISONS and
PETER KIM,

Defendants.

Case No. 17-cv-498-JPG-GCS

MEMORANDUM AND ORDER

This matter comes before the Court on the Notice of Dismissal (Doc. 56) of the remaining claims in this case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by plaintiff Ramon Rodarte Mendoza. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Dr. Peter Kim, the only remaining defendant, has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss the claims against Kim at the present time, the Court finds that the claims against Kim are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 11, 2019

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE